ORDER:

Challenging the action of the first respondent in issuing Order No.G1/42760/2000, dated 06.01.2001 appointing the second respondent as an Executive Officer to Sri Kunala Punnaiah Anna Satram, Vijayawada, the present Writ Petition is filed.

It is the case of the petitioner that on the will executed by his grand father, his grand mother constructed a building in Vijayawada town for running a chowltry. After her, his father managed the chowltry. His father filed O.A.162 of 1992 before the Deputy Commissioner of Endowments, Kakinada for declaration that the Annasatramm is a private one. The petitioner herein came on record in the O.A. as his father died. The O.A. was dismissed on 12.10.1999. Aggrieved thereby, he filed A.S. No.138 of 1999 before the District Court, wherein status quo orders were granted by the Court on 16.11.1999 in I.A. No.419 of 1999, and the appeal was pending. Thereafter, the petitioner received a notice in O.A. No.55 of 2002 before the Deputy Commissioner of Endowments, Kakinada, which was filed by the second respondent herein to hand over the charge as he was appointed as Executive Officer. Prior to his appointment, no notice was issued to the petitioner and he, being founder trustee, was not aware of his appointment of the petitioner till he received notice in O.A. No. 55 of 2002. Hence, the Writ Petition.

The grievance of the petitioner is that no notice was given to him at the time of appointment of the second respondent as Executive Officer; that copy of impugned order was not communicated to him and he got knowledge of his appointment only after receipt of notice in O.A. No.55 of 2002.

The appointment of the second respondent as Executive Officer can not be challenged unless such appointment is contrary to the

Endowments Act. As there is no factual foundation with regard to appointment of the second respondent, the same can not be challenged. It is submitted that the second respondent has already assumed the office as Executive Officer. Therefore, no further orders are required to be passed in this Writ Petition.

The Writ Petition is, accordingly, dismissed. No costs.

(K.C.Bhanu, J.)

01.09.2005

DRK

THE HONB'E SRI JUSTICE K.C.BHANU

WRIT PETITION No. 19351 of 2002

Date: 01.09.2005

Between:

Kunala Punna Rao, s/o Purnachandra Rao,

52 years, Founder Trustee, Kunala Punnaiah

Annapurna Satram, Vijayawada, Krishna dist.

…Petitioner

and

1)The Commissioner of Endowments, Govt.

of Andhra Pradesh, Tilak Road, Hyderabad & another

…Respondents